

REMARKS

[0001] This Amendment is intended to raise new issues which would require the Examiner's further consideration and/or search and prevent the issuance of a First Action Final Rejection. The paragraphs have been numbered for ease of future reference.

[0002] Claims 1, 3-5, 8, 10-12, 15, 17-18 and 24-26 are presently pending in this application. Claims 1, 8 and 15 have been amended to more particularly define the claimed invention. Claims 21-23 have been canceled.

[0003] It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

[0004] Support the amendments is found, for example, beginning at page 4, line 9, supporting “*an uninterrupted rectangular surface,*” and paragraphs [0020-0021] and Figures 4A-6B, supporting, “*wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region.*”

I. THE PRIOR ART REJECTIONS

[0005] Claims 1, 3-5, 15, 17-18, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dao et al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057).

[0006] Dao fails to teach or suggest, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region,” since Dao discloses patterning a second region that is not similar in shape and size to a first patterned region to which it is immediately adjacent.

[0007] Likewise, Schroeder fails to teach or suggest, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region,” since Schroeder fails to disclose any patterning methods by which the shape according to Fig. 5a is produced, and fails to disclose patterning a second region that is not similar in shape and size to a first patterned region to which it is immediately adjacent.

[0008] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao and Schroeder, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

[0009] Claims 1, 3-5, 15, 17-18, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dao et al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057), and further in view of either Levenson (US 6,251,549), Rolfson (US 6,395,432), or Applicant's admitted prior art (AAPA).

[0010] Dao fails to teach or suggest, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and

substantially similar in shape and size to said first region,” since Dao discloses patterning a second region that is not similar in shape and size to a first patterned region to which it is immediately adjacent.

[0011] Likewise, Schroeder fails to teach or suggest, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region,” since Schroeder fails to disclose any patterning methods by which the shape according to Fig. 5a is produced, and fails to disclose patterning a second region that is not similar in shape and size to a first patterned region to which it is immediately adjacent.

[0012] Levenson, Rolfson and Applicant’s Admitted Prior Art are all alleged by the Examiner to disclose, “a PSM having book-matched adjacent first and second similarly shaped and sized rectangular 00 non-PS and 1800 PS features or regions, wherein the first rectangular region has an uninterrupted rectangular surface that lacks an intervening structure,” but these references fail to disclose Applicant’s claimed invention of, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region.”

[0013] Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao, Schroeder, Levenson, Rolfson and Applicant’s Admitted Prior Art, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

[0014] Claims 8, 10-12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dao et al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057), and further in view of Tzu et al. (US 5,888,678).

[0015] Tzu is alleged by the Examiner to disclose, “teach a PSM having separate PS mask patterns and non-PS binary mask patterns on the same mask substrate, as well as a method of forming this PSM.” However, Tzu fails to teach or suggest Applicant’s claimed invention of, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region.”

[0016] Therefore, based on Applicant’s arguments presented in the above paragraphs A.-B., Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao, Schroeder and Tzu, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

[0017] Claims 8, 10-12, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dao et al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057), further in view of Tzu et al. (US 5,888,678), and further in view of either Levenson (US 6,251,549), Rolfson (US 6,395,432), or Applicant's admitted prior art (AAPA).

[0018] Therefore, in addition to Applicant’s arguments presented in the above paragraphs B.-C., Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao, Schroeder, Tzu, Levenson, Rolfson and Applicant’s Admitted Prior Art, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

[0019] Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dao et

al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057), further in view of either Levenson (US 6,251,549), Rolfson (US 6,395,432), or Applicant's admitted prior art (AAPA), and further in view of Sandstrom (US 2002/0125443).

[0020] Sandstrom is alleged by the Examiner to disclose, “teaches methods of making PSMs.”

However, Sandstrom fails to teach or suggest Applicant’s claimed invention of, “wherein said patterning includes said second region and first region, is vertically aligned with one side of said first region, and exposes an uninterrupted rectangular shape in said second region on said opaque layer immediately adjacent and substantially similar in shape and size to said first region.”

[0021] Therefore, in addition to Applicant’s arguments presented in the above paragraphs A.-B., Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao, Schroeder, Tzu, Levenson, Rolfson and Applicant’s Admitted Prior Art, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

[0022] Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dao et al. (US 5,302,477), especially in view of Schroeder et al. (US 2003/0027057), further in view of Tzu et al. (US 5,888,678), further in view of either Levenson (US 6,251,549), Rolfson (US 6,395,432), or Applicant's admitted prior art (AAPA), and further in view of Sandstrom (US 2002/0125443).

[0023] With respect to Applicant’s arguments presented in the above paragraphs D.-E., Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art references to Dao, Schroeder, Tzu, Levenson, Rolfson and Applicant’s Admitted Prior Art, (either alone or in combination), fail to teach or suggest each element and feature of Applicant’s claimed invention.

II. FORMAL MATTERS AND CONCLUSION

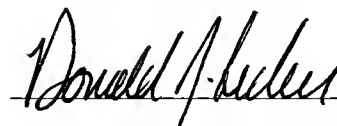
[0024] In view of the foregoing, Applicant submits that claims 1, 3-5, 8, 10-12, 15, 17-18 and 24-26, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

[0025] Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic interview.

[0026] The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0456.

Date: January 14, 2009

Respectfully Submitted,



Donald J. Lecher, Esq.
Registration No. 41,933

GIBB IP LAW FIRM, LLC
2568-A Riva Road, Suite 304
Annapolis, Maryland 21401
Voice: 410-573-6501
Fax: 301-261-8825
E-mail: Lecher@gibbiplaw.com
Customer No. 29154